

**THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MICHAEL AND SHELLIE GILMOR,
et al.,

Plaintiffs,

vs.

PREFERRED CREDIT CORPORATION,
et al.,

Defendants.

Case No. 4:10-cv-00189-ODS

**MOTION TO EXTEND DEADLINES FOR FILING
SUGGESTIONS IN OPPOSITION AND REPLIES
FOR ALL PENDING MOTIONS TO DISMISS**

Plaintiffs respectfully move the Court for an Order extending the deadline by which Plaintiffs must file their Suggestions in Opposition to all of pending motions to dismiss (Doc. 67, 75, Ex.'s 7, 11, 3-15, 16-17) to November 19, 2010 and the deadline by which Defendants must file any Replies to December 17, 2010 on the grounds that good cause exists for such an extension.

1. On October 1 2010, the Court entered its *Order Addressing Outstanding Issues and Motions, Setting Deadlines, and Directing the Parties to File a Joint Status Report*. The Court's Order provided in part:

Plaintiffs shall respond to the motions to dismiss (Exhibit Numbers 7, 18, 14, 15, 16, and 17) on or before November 5, 2010. Defendants shall have until and including December 3, 2010, to file Reply Suggestions if they wish.

(Doc. 76, ¶4)

2. Plaintiffs have determined, given the similarity of arguments, that it would be most expeditious for them to file Joint Suggestions in opposition to motions to dismiss for lack

of personal jurisdiction (Doc. 75, Ex.'s 13-15) and lack of standing (id., Ex.'s 7, 8-10), as was done in the other two Missouri second mortgage class actions pending before the Circuit Court of Clay County. See *Couch v. SMC Lending, Inc.*, CV100-4332CC (Mo. Cir. Ct.) (Clay Co.) and *Baker v. Century Financial Group, Inc.*, CV100-4294CC (Mo. Cir. Ct.) (Clay Co.). Plaintiffs will also likely file joint Suggestions in opposition to the two preemption motions. (Doc. 75, Ex.'s 16-17)

3. Plaintiffs' counsel noticed yesterday in the course of their work that the Court's Order (Doc. #76) did not include any reference to Defendant Credit Suisse First Boston Mortgage Securities' ("CSFB") previously-stayed *Motion to Dismiss Plaintiffs' Sixth Amended Petition* (Doc. 67, 68).

4. CSFB's motion and 39-page Suggestions assert that the case should be dismissed against it on three different grounds, lack of personal jurisdiction, lack of standing, and statute of limitations.

5. Plaintiffs' counsel immediately contacted counsel for CSFB, who similarly had not noticed the omission of the separate Motion to Dismiss from the Court's October 10 Order (Doc.76).

6. Given the similarity of the issues and arguments, Plaintiffs believe that it would be most expeditious for them to include their response to CSFB's Motion as to the jurisdiction and standing in their Joint Suggestions in Opposition to the other similarly-based motions to dismiss; but Plaintiffs need additional time to do so and therefore request the Court to extend the current deadline for responding to all pending motions to dismiss by 14 additional days, through November 19, 2010.

7. This motion for additional time will not unfairly prejudice any Moving or Non-

Moving Defendant.

8. The proposed 14-day extensions of time will not adversely affect any of the other scheduling or trial deadlines.

9. The instant request to extend the stated deadline is made in good faith and not for the purpose of delay.

10. Plaintiffs' counsel contacted counsel for the Moving Defendants today about the proposed extension. Counsel for Moving Defendants Credit Based Asset Servicing & Securitization, LLC, IMH Assets Corp., IMPAC CMB Trust Series 2003-5, LaSalle National Bank and Litton Loan Servicing, LP advises that these Moving Defendants do not oppose this motion, but submit that the deadline for filing Replies to Plaintiffs' Suggestions should likewise be extended by 14 days. Counsel for Defendant Empire Home Loan Owner Trust 1998-1 and its Co-Trustees, reported that they were unable to reach their client, and thus, could not say whether they would object or not. Plaintiffs' counsel did not hear back from the Preferred Trust Defendants or CSFB, although counsel for CSFB stated in an e-mail to Plaintiffs' counsel this morning that CSFB "would not object to a November 16 [sic] date as long as all reply briefs are filed at the same time."

WHEREFORE, Plaintiffs respectfully request the Court to find that cause has been shown and to enter an Order extending the deadline by which Plaintiffs must file their Suggestions in Opposition to all of pending motions to dismiss (Doc. 67, 75, Ex.'s 7,11, 3-15, 16-17) to November 19, 2010 and the deadline by which Defendants must file any Replies to December 17, 2010.

Dated: October 21, 2010

Respectfully Submitted,

WALTERS BENDER STROHBEHN
&. VAUGHAN, P.C.

By /s/ Kip D. Richards

R. Frederick Walters-Mo. Bar 25069
Kip D. Richards - Mo. Bar 39743
2500 City Center Square
1100 Main Street
Kansas City, Missouri 64105
(816) 421-6620
(816) 421-4747 (Facsimile)

ATTORNEYS FOR PLAINTIFFS
AND CLASS COUNSEL

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document was filed electronically with the Clerk of the United States District Court for the Western District of Missouri, Western Division, this 21st day of October 2010, with notice of case activity to be generated and sent electronically to all designated persons.

/s/ Kip D. Richards